

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD A. REAMES,

Plaintiff,

vs.

Case No. 04-CV-74461
HON. GEORGE CARAM STEEH

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____/

ORDER ACCEPTING APRIL 28, 2005 REPORT AND RECOMMENDATION (#10),
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AND DISMISSING PLAINTIFF'S CLAIMS

This matter is before the court on defendant Commissioner of Social Security's motion for summary judgment as to pro se plaintiff Richard Reames' claim for judicial review of defendant's denial of his July 17, 2002 application for disability insurance benefits. The matter was referred to Magistrate Judge Virginia Morgan. On April 28, 2005, Magistrate Judge Morgan issued a 9-page Report and Recommendation recommending that defendant's motion for summary judgment be granted¹, and that plaintiff's claim be dismissed. Magistrate Judge Morgan found there was substantial evidence in the record to support ALJ John Ransom's October 15, 2003 decision that plaintiff had the residual functional capacity to perform light work with specific restrictions, and that a significant number of jobs existed in the national economy that plaintiff could perform. Magistrate Judge Morgan specifically found that ALJ Ransom's hypothetical question posed to a

¹ Plaintiff failed to file his own motion for summary judgment by the February 28, 2005 scheduled deadline, and failed to show cause as directed under the Magistrate Judge's March 25, 2005 why he had not filed a motion for summary judgment.

vocational expert accurately portrayed plaintiff's limitations, taking into account the ALJ's assessment that plaintiff's testimony was "less than entirely credible." Plaintiff has not filed timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Having reviewed the record and Report and Recommendation, and in the absence of timely objections, the court hereby ACCEPTS Magistrate Judge Morgan's well reasoned April 28, 2005 Report and Recommendation as its own. Defendant's motion for summary judgment is hereby GRANTED. Plaintiff Richard Reames' claim is hereby DISMISSED with prejudice.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: May 25, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on May 25, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk